

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-120816
	:	TRIAL NO. B-1200779
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DEANDRE LETCHER,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Deandre Letcher appeals from convictions for felony murder with a specification and having a weapon under a disability, stemming from his involvement in an aggravated robbery that led to the death of Lamario Watkins. Mr. Letcher challenges his convictions as being against the weight and sufficiency of the evidence. We find these arguments to be without merit, so we affirm the judgment below.

Mr. Letcher's participation was established primarily through the testimony of Mario Burns, who knew Mr. Letcher from work. Mr. Burns testified that he and Mr. Watkins arranged a drug deal with an unknown purchaser and drove together to the meet-up location. When they arrived, a man, later identified as Marques Brown, got into the back seat of their vehicle. As Mr. Brown pulled a gun on Mr. Watkins, Mr. Letcher approached the driver's side window and pointed a gun at Mr. Burns's head. Mr. Letcher and Mr. Brown then proceeded to rob the pair. A shootout

between Mr. Brown and Mr. Watkins ensued, resulting in Mr. Watkins's death. Mr. Letcher and Mr. Burns escaped unharmed. Mr. Burns met with police the following day and identified Mr. Letcher in a photo array. And although Mr. Letcher's gun was never recovered, Mr. Letcher's DNA was found on the gun used by Mr. Brown. Mr. Letcher attacked the credibility of Mr. Burns at trial, alleging that Mr. Burns was actually involved in the robbery and had conspired with Mr. Brown and others to set Mr. Watkins up.

We consider the assignments of error together. As to the sufficiency argument, our review of the record reveals that the state adduced substantial, credible evidence from which the jury could have reasonably concluded that the state had proved beyond a reasonable doubt the elements of the offenses of which he was convicted. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. And in regard to the manifest-weight argument, our review of the entire record fails to persuade us that the jury clearly lost its way and created such a manifest miscarriage of justice that we must reverse Mr. Letcher's convictions and order a new trial. *See State v. Thompkins*, 78 Ohio St.3d 380, 386-87, 678 N.E.2d 541 (1997). As defense counsel pointed out in closing argument, this case came down to the issue of Mario Burns's credibility. It was for the jury to assess that credibility. The first and second assignments of error are overruled.

We note, however, that there is a clerical error in the judgment entry of conviction. The judgment entry states that Mr. Letcher was found guilty of aggravated murder in violation of R.C. 2903.01(B) when in fact he was found guilty of the lesser-included offense of felony murder in violation of R.C. 2903.02(B). We, therefore, remand this matter to the trial court with instructions to correct this defect in the judgment entry by nunc pro tunc entry.

The judgment of the trial court is affirmed.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HILDEBRANDT, P.J., DINKELACKER, and DEWINE, JJ.**

To the clerk:

Enter upon the journal of the court on November 13, 2013

per order of the court \_\_\_\_\_.  
Presiding Judge